

1  
2  
3  
4  
5  
6  
7  
8 IN THE DISTRICT COURT OF GUAM  
9 FOR THE TERRITORY OF GUAM

10 UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 07-00026  
11 )  
12 Plaintiff, )  
13 vs. ) **REPORT AND RECOMMENDATION**  
14 BRIAN WILLIAM ELM, ) **CONCERNING PLEA OF GUILTY**  
15 Defendant. ) **IN A FELONY CASE**  
16

17 The defendant, by consent, has appeared before me pursuant to Rule 11, Fed. R.  
18 Crim. P., and has entered a plea of guilty to Count II of an Indictment charging him with False  
19 Declaration Before the Court, in violation of 18 U.S.C. § 1623(a). After examining the  
20 defendant under oath, I have determined that the defendant is fully competent and capable of  
21 entering an informed plea, that the guilty plea was intelligently, knowingly and voluntarily  
22 made, and that the offense charged is supported by an independent basis in fact establishing

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly.

IT IS SO RECOMMENDED.



/s/ Joaquin V.E. Manibusan, Jr.  
U.S. Magistrate Judge  
Dated: Jan 23, 2008

**NOTICE**

**Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).**